

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

***San Diego, California***

***United States Attorney  
Karen P. Hewitt***

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***For Immediate Release***

### **NEWS RELEASE SUMMARY** - March 25, 2008

United States Attorney Karen P. Hewitt announced that a Lakeside firm was sentenced in federal court in San Diego to pay a \$20,000 fine for violating the federal Clean Water Act by dumping toluene into Slaughterhouse Canyon Creek. Magistrate Judge Cathy Ann Bencivengo also ordered the company to reimburse the San Diego County Department of Environmental Health Services in the amount of \$7,503 for costs associated with responding to the spill and to pay a \$125 penalty assessment. The company entered its guilty plea on January 3, 2008. Wagner Construction JV has also entered into a compliance agreement with the U.S. Environmental Protection Agency to establish company practices to prevent future environmental problems.

According to court records, Wagner Construction JV, through its attorney, admitted that on March 31, 2005, employees of Wagner Construction, JV, negligently failed to supervise or provide adequate training in the disposal of hazardous waste to the Wagner employees located at the Lakeside facility. As a result, they caused the discharge of a pollutant, Plasti-Kote containing toluene, from a 55-gallon drum into Slaughterhouse Canyon Creek.

**DEFENDANT**

**Case Number: 07-cr-3443-IEG**

Wagner Construction, JV

**SUMMARY OF CHARGES**

Unlawful Discharge of Pollutants, in violation of Title 33, United States Code, Sections 1311, 1342 and 1319(c)(1)(A)

**AGENCIES**

U.S. Environmental Protection Agency, Criminal Investigations Division

Federal Bureau of Investigation

San Diego County Department of Environmental Health, Hazardous Materials Management Division

California Department of Fish & Game

Lakeside Fire Department